

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RICKY L. SIROIS,)	
)	
Plaintiff)	
)	
v.)	Civil No. 05-128-B-W
)	
MD PAUL RONCO,)	
)	
Defendant)	

Recommended Decision on 42 U.S.C. § 1983 Complaint

Ricky Sirois is an inmate at the Maine Correctional Center, Windham, Maine, and has filed a 42 U.S.C. § 1983 action. In his complaint he indicates that this is not a prison condition lawsuit but that he seeks a remedy vis-à-vis a Bangor, Maine doctor. This doctor allegedly abruptly took him off his medication after receiving a phone call from a third party who said that Sirois was injecting his medication. Sirois charges this doctor with breaching his confidentiality policy. In an order granting Sirois's motion to proceed in forma pauperis I warned Sirois that on his own allegations there is no diversity jurisdiction and that I could discern no federal cause of action. I ordered Sirois to notify the Court no later than September 19, 2005, whether he intends to incur the cost of the filing fee and proceed with this action, or whether he intends to forego this litigation at this time. I also cautioned that Sirois's failure to fully comply with that order would result in the issuance of a recommendation to dismiss the complaint. Sirois has not complied with that order or filed any further pleadings in this action. I recommend that the Court **DISMISS** this action for failure to prosecute.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (10) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (10) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

September 23, 2005.

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge